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April 11, 2025

The Honorable Robert S. Lasnik
United States Courthouse
700 Stewart Street, Suite 15128
Seattle, WA 98101-9906

Re: *United States v. Potapenko et al.*, 22-CR-185-RSL

Dear Judge Lasnik:

Ivan Turogin and Sergei Potapenko jointly submit this letter because of recent disturbing communications they have received from the United States. As this Court is aware, Ivan and Sergei were extradited into the United States, over their objections, from Estonia on May 30, 2024. This Court released Ivan and Sergei on bond—denying the government’s motion for pretrial detention—on July 18, 2024. Their conditions of release were subsequently modified to remove the requirement of home detention and to allow their movement throughout King County. Dkt. No. 150.

Despite the Government’s concerns, Ivan and Sergei have not fled the United States, and have no intention of doing so. They are awaiting sentencing, when they will respectfully request this Court to issue a sentence of time served, and to immediately send them back to their homes in Estonia. Sentencing is scheduled for August 14, 2025.

Last Sunday night, Ivan and Sergei each received emails from the Department of Homeland Security (“DHS”). They are attached to this letter as Exhibits A and B. In the emails, Ivan and Sergei were told by the government that “It is time for you to leave the United States.” If they did not leave “immediately,” the government wrote to them, they would be “subject to potential law enforcement actions,” including “potential criminal prosecution, civil fines, penalties, and any other lawful options available to the federal government.” The letter concluded, “Do not attempt to remain in the United States - the federal government will find you. Please depart the United States immediately.”

Although there is nothing Ivan and Sergei would want more than to immediately go home, they understood that they are also under Court order to remain in King County. We therefore contacted

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the prosecution team in this case, to share these emails and concerns.¹ To their credit, the prosecutors promptly responded, informing us that they are working with DHS to resolve the issue by applying to DHS to extend Ivan's and Sergei's period of parole into the United States. But earlier this morning—almost a week later—Ivan received this notification again. *See* Exhibit C.

Although we do not doubt the sincerity of the prosecution team in working to resolve the issue, we are concerned. Ivan's and Sergei's families are visiting them from Estonia, and it would be unfathomable for Ivan and Sergei to be approached and detained in front of them. We and our clients have all seen recent news. Immigration authorities make mistakes, and individuals who should not be in custody end up in custody, sometimes even deported to places where they should not be deported.

These communications have caused Ivan and Sergei significant anxiety. We are writing now to inform the Court of these developments. If the issue is not resolved in the coming days, we will submit another letter asking for relief or for a hearing at which the Court should require the attendance of counsel for DHS.

Respectfully submitted,

/s/ Mark E. Bini

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¹ We also informed Pretrial Services.

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cc: All counsel of record (by ECF)
Pretrial Services Officer Chandra Wageman (by email)